



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/239,109	01/27/1999	DIMITRI KANEVSKY	YO999-018	9853

7590 04/18/2002

RYAN, MASON & LEWIS, LLP  
1300 POST ROAD  
SUITE 205  
FAIRFIELD, CT 06430

EXAMINER

CARDONE, JASON D

ART UNIT

PAPER NUMBER

2152

DATE MAILED: 04/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**Application No.  
**09/239,109**Applicant(s)  
**Kanevsky et al.**Examiner  
**Jason D. Cardone**Art Unit  
**2152****-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Jan 29, 2002
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☒ Other: See Attached Office Action

Art Unit: 2152

## **DETAILED ACTION**

### ***Response to Reconsideration***

1. This action is responsive to the amendment of the applicants (Paper No. 5) filed on 1/29/02. Claims 1-60 are presented.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lincke et al. "Lincke", U.S. Patent No. 6,253,326, in view of Pepe et al. "Pepe", U.S. Patent No. 5,673,322.

4. Regarding claim 1, Lincke discloses a computer system comprising one or more memories and one or more central processing units (CPUs) [ie. proxy server, Lincke, col. 10, lines 1-36 and col. 16, line 19 - col. 19, line 24];

one or more communication interfaces, each of the communication interfaces capable of receiving a client signal from one or more clients indicating that a client is within a range of communication of the computer [Lincke, col. 10, lines 1-36, col. 16, line 19 - col. 19, line 24, and col. 111, lines 5-67];

Art Unit: 2152

one or more computer interfaces capable of communicating with one or more second computers, the second computers each having a computer location and one or more application programs [Lincke, col. 10, lines 56-67 and col. 16, line 19 - col. 19, line 24];

an application process that determines from one or more client signals that one or more clients are within the range of communication and that requests and receives one or more of the application programs through the computer interface from one or more of the second computers so that one or more clients can cause one or more of the CPUs to transfer the one or more application programs when the one or more clients request the one or more application programs [Lincke, col. 10, lines 1-36 and col. 16, line 19 - col. 19, line 24].

Lincke discloses the invention substantially as claimed except for that clients can cause a CPUs to execute application programs within the proxy server. However, Pepe, in the same field of endeavor, discloses remote proxy servers executing applications [Pepe, col. 7, line 46 - col. 8, line 64 and col. 12, lines 1-64]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate running a program on a proxy server, taught by Pepe, in to the mobile communication system, taught by Lincke, since Pepe suggests wireless Internet connection, similar to the wireless Internet access disclosed by Lincke [Lincke, col. 1, lines 40-58 and col. 2, lines 56-64], but improving the interface connections [Pepe, col. 1, lines 18-23]. One of ordinary skill in the art would have been motivated to modify Lincke to include the application interface, in view of Pepe so that the system has a more robust web connection.

Art Unit: 2152

Therefore, it would have been obvious to combine Lincke and Pepe (Lincke-Pepe) to obtain the invention as specified in claim 1.

5. Regarding claim 2, Lincke-Pepe further discloses application programs are grouped into packages and one or more clients are linked to packages in such a way that application programs in each package support only clients that are linked to this package [Lincke, col. 111, lines 5-67] [Pepe, col. 12, lines 1-64].

6. Regarding claims 3-10, Lincke-Pepe further discloses the communication interface receives a second client signal when one or more clients that are linked to a package of programs pass outside of the range of the communication, where all clients linked to one package of programs are wearable by one person [Lincke, col. 111, lines 5-67] [Pepe, col. 12, lines 1-64].

7. Regarding claims 11 and 13-18, Lincke-Pepe further discloses where the computer discards one or more of the applications after one or more clients pass outside of the range and after the discarded applications have been sent to one or more of the second computers [Lincke, col. 111, lines 5-67] [Pepe, col. 5, lines 46-61].

Art Unit: 2152

8. Regarding claim 12, Lincke-Pepe further discloses the computer determines whether one or more clients are outside of range by measuring distance from this computer to these clients [Lincke, col. 111, lines 5-67] [Pepe, col. 5, lines 46-61]..

9. Regarding claim 19, Lincke-Pepe further discloses the communication interface includes any one or more of the following: a radio link, an infrared link [Lincke, col. 8, lines 50-63] [Pepe, col. 13, lines 4-10].

10. Regarding claim 20, Lincke-Pepe further discloses the computer interface includes any one or more of the following: a network, a wide area network, a local area network, an internet, an intranet, a telephone network, a radio frequency network [Lincke, col.8, lines 7-63] [Pepe, col. 12, lines 1-64 and col. 13, lines 4-10].

11. , Regarding claim 21, Lincke-Pepe further discloses the client includes any one or more of the following: a moving computer, a pen input device, a personal data assistant, a watch, a palm top, a telephone, a key, a speech recognition system [Lincke, col. 8, lines 50-63] [Pepe, col. 13, lines 4-10].

12. Regarding claim 22, Lincke-Pepe further discloses incorporation in any one or more of the following: a printer, a television, a microwave, a refrigerator, a car, a public structure, a

Art Unit: 2152

lamppost, a mailbox [Lincke, col.8, lines 7-63 and col. 9, line 59 - col. 10, line 55] [Pepe, col. 7, lines 1-14].

13. Regarding claim 23, Lincke-Pepe further discloses one or more of the second computers is a main computer that has copies of all of the applications as backup [Lincke, col. 10, lines 56-67] [Pepe, col. 10, line 57 - col. 11, line 9].

14. Regarding claim 24, Lincke-Pepe further discloses one or more of the second computers is a local computer that has copies of all applications for all clients that are in a communication range of another second computer that is in a communication range with the local computer [Lincke, col. 10, lines 56-67 and col. 11, lines 5-67] [Pepe, col. 10, line 57 - col. 11, line 9].

15. Regarding claim 25, Lincke-Pepe further discloses one or more clients send a request for some item or application in a package to one or more second computers and if such application or an item is not available one or more second computers send a request for this application or item to the main computer and the main computer performs the requested application for these one or more clients or send them the requested item [Lincke, col. 10, lines 56-67 and col. 11, lines 5-67] [Pepe, col. 12, lines 20-64].

Art Unit: 2152

16. Regarding claim 26, Lincke-Pepe further discloses the requested item and application are sent to packages in one or more second computers that are linked to one or more clients that requested this item or application [Lincke, col. 111, lines 5-67] [Pepe, col. 12, lines 20-64].

17. Regarding claim 27, Lincke-Pepe further discloses one or more clients send a request for some item/application in a package and an address of the local computer to one or more second computers [Lincke, col. 111, lines 5-67] [Pepe, col. 12, lines 20-64].

18. Regarding claims 28-32, Lincke-Pepe further the local computer checks whether it has the requested item/application if it is in the range of communication from one or more second computers and where the local computer sends the requested item/application if the local computer found the item/application [Lincke, col. 16, lines 26-64 and col. 111, lines 5-67] [Pepe, col. 8, lines 16-64].

19. Regarding claim 33-35, Lincke-Pepe further discloses the request for the item/application was sent to the local server at the address that was received by the main server if this item/application was not found in the main server [Lincke, col. 16, lines 26-64 and col. 111, lines 5-67] [Pepe, col. 8, lines 16-64].



Art Unit: 2152

20. Regarding claims 36-42 and 47-53, Lincke-Pepe further discloses where part of the application remains as a second portion on one or more of the second computers, the application portion is a front end of a speech recognition system, a front end of a word processing system (where the front end of the word processing system includes a keyboard), an automatic speech recognition front end, an automatic handwriting recognition system front end, a user verification system front end, a user identification system front end, a natural language understanding system front end [Lincke, col. 16, lines 26-64 and col. 111, lines 5-67] [Pepe, col. 6, lines 56-67].

21. Regarding claims 43-46, Lincke-Pepe further discloses the application portions are classified in accordance with how processes that are needed to run these applications can be handled, where processes can be handled to be run in parallel, can be shared by different applications or can be substituted [Lincke, col. 16, lines 26-64] [Pepe, col. 8, lines 16-64].

22. Regarding claims 54-56, Lincke-Pepe further discloses the applications are received in a priority order, where priority order include the following: applications that are currently used by a user, applications that are shared by many users, applications that shared by small number of users, applications that involve clients that are wearable by a user and is defined by history data on how often some applications were used [Lincke, col. 16, lines 26-64 and col. 111, lines 5-67] [Pepe, col. 8, lines 16-64].

Art Unit: 2152

23. Regarding claim 57, Lincke-Pepe further discloses the applications are received from a backup computer if communication with second computer fails [Lincke, col. 10, lines 56-67 and col. 111, lines 5-67] [Pepe, col. 12, lines 20-64].

24. Regarding claim 58, Lincke-Pepe further discloses the client signal is received from one or more of the following location devices: a pressure sensor, an ultrasonic detector, a radio frequency tag, a motion detector [Lincke, col.8, lines 7-63] [Pepe, col. 6, lines 56-67].

25. Regarding claim 59, Lincke-Pepe further discloses the applications include any one or more of the following: a web browser, a financial program, a word processing program, a search engine, a database used by the application, a general database [Lincke, col. 10, lines 1-55] [Pepe, col. 6, lines 56-67].

26. Regarding claim 60, Lincke-Pepe further discloses one or more of the applications are discarded if that are not executed by one or more of the CPUs within a time period [Lincke, col. 111, lines 5-67] [Pepe, col. 6, lines 56-67].

### ***Response to Arguments***

27. Applicant's arguments with respect to claims 1-60 have been considered but are moot in view of the new ground of rejection.

Art Unit: 2152

***Conclusion***

28. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason D. Cardone, whose telephone number is (703) 305-8484.

The examiner can normally be reached on Monday through Thursday from 9:00am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart, can be reached on (703) 305-4815.

Art Unit: 2152

The fax numbers for the organization where this application or proceeding is assigned are as follows:

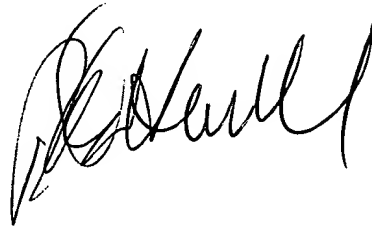
(703) 746-7238	(After Final Communications)
(703) 746-7239	(Official Communications)
(703) 746-7240	(For Status inquiries, Draft Communications)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist, whose telephone number is (703) 305-3900.



Jason D. Cardone

April 15, 2002



**ROBERT B. HARRELL  
PRIMARY EXAMINER**